

MINUTES OF THE MEETING OF THE FRANKLIN MUNICIPAL PLANNING COMMISSION MAY 22, 2014

The Franklin Municipal Planning Commission held a regular meeting on Thursday, May 22, at 7:00 p.m. in the city hall boardroom.

Members present: Marcia Allen
 Jimmy Franks
 Lisa Gregory
 Scott Harrison
 Mike Hathaway, Chair
 Roger Lindsey, Vice Chair
 Alma McLemore
 Michael Orr
 Ann Petersen, Alderman

Members absent: None

Staff present: Vernon Gerth, Community and Economic Development
 Donald Anthony, Planning and Sustainability Department
 Brad Baumgartner, Planning and Sustainability Department
 Andrew Orr, Planning and Sustainability Department
 Catherine Powers, Planning and Sustainability Department
 Brenda Woods, Planning and Sustainability Department
 Carl Baughman, Engineering Department
 Tom Ingram, Engineering Department
 Katie Rubush, Engineering Department
 Dustin Scruggs, Engineering Department
 Eric Stuckey, Administration
 Kristen Corn, Law Department

The purpose of the meeting will be to consider matters brought to the attention of the Planning Commission and will include the following. The typical process for discussing an item is as follows:

1. Staff presentation,
2. Public comments,
3. Applicant presentation, and
4. Motion/discussion/vote.

Applicants are encouraged to come to the meeting, even if they agree with the staff recommendation. The Planning Commission may defer or disapprove an application/request unless someone is present to represent it.

For accommodations due to disabilities or other special arrangements, please contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.

1. CALL TO ORDER

2. MINUTES

- 4/24/14 Regular Meeting

3. CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

Open for Franklin citizens to be heard on items not included on this Agenda. As provided by law, the Planning Commission shall make no decisions or consideration of action of citizen comments, except to refer the matter to the Planning Director for administrative consideration, or to schedule the matter for Planning Commission consideration at a later date. Those citizens addressing the Planning Commission are required to complete a Public Comment Card in order for their name and address to be included within the official record.

5. ANNOUNCEMENTS

6. VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

The non-agenda process, by design, is reserved for rare instances, and only minor requests shall be considered. Non-agenda items shall be considered only upon the unanimous approval of all of the Planning Commission members.

7. CONSENT AGENDA

The items under the consent agenda are deemed by the Planning Commission to be non-controversial and routine in nature and will be approved by one motion. The items on the consent agenda will not be individually discussed. Any member of the Planning Commission, City Staff, or the public desiring to discuss an item on the consent agenda may request that it be removed and placed on the regular agenda. It will then be considered in its printed order.

- Initial Consent Agenda
- Secondary Consent Agenda- to include any items in which Commissioners recuse themselves

SITE PLAN SURETIES

Consent: Items 8 – 12

8. Battle Ground Academy Subdivision, site plan, (Fieldhouse and Mary Campbell Visual Arts Center); release the maintenance agreement for landscaping improvements; extend the performance agreement for drainage improvements for six months.

9. McKays Mill PUD Subdivision, site plan, section 34 (Park Run Area); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
10. Stream Valley PUD Subdivision, site plan, section 3; accept the landscaping Phase 1 and landscaping Phase 2 improvements, release the performance agreement and establish a maintenance agreement for one year.
11. Westhaven PUD Subdivision, site plan, section 18; extend the performance agreement for landscaping improvements.
12. Westhaven PUD Subdivision, site plan, section 21, revision 1; extend the performance agreement for landscaping improvements.

REZONINGS AND DEVELOPMENT PLANS

13. ORDINANCE 2014-18, TO BE ENTITLED "AN ORDINANCE TO REZONE 77.7 ACRES FROM GENERAL COMMERCIAL (GC) TO SPECIFIC DEVELOPMENT-VARIETY DISTRICT (SD-X 12.23/480,000/450) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST MCEWEN DRIVE AND CAROTHERS PARKWAY."

Project Number: 4542
Applicant: Gary Vogrin, Kiser + Vogrin Design
Staff Recommends: Favorable Recommendation to BOMA
Consent Status: Nonconsent

14. RESOLUTION 2014-42, TO BE ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR THE OVATION SUBDIVISION, LOCATED ON A PORTION OF THE PROPERTY AT THE SOUTHEAST CORNER OF EAST MCEWEN DRIVE AND CAROTHERS PARKWAY, BY THE CITY OF FRANKLIN, TENNESSEE."

Project Number: 4543
Applicant: Gary Vogrin, Kiser + Vogrin Design
Staff Recommends: Favorable Recommendation to BOMA
Consent Status: Nonconsent

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

15. Franklin Christian Academy PUD Subdivision, site plan, section 2 (Morning Pointe of Franklin), 2 civic/institutional structures on 12.00 acres, located along the northern side of New Highway 96 West, approximately 850 feet west of Carlisle Lane.

Project Number: 4535
Applicant: Scotty Bernick, Ragan Smith Associates
Staff Recommends: Approval, with conditions
Consent Status: Nonconsent

16. The Highlands at Ladd Park PUD Subdivision, final plat, section 11, 8 residential lots on 1.45 acres, located along the northern side of Avon River Road, east of Molly Bright Lane.

Project Number: 4539
Applicant: David Reagan, HFR Design Inc.

Staff Recommends: Approval, with conditions
Consent Status: Consent

17. Ovation Subdivision, final plat, 9 lots on 145.48 acres, located at the southeast corner of East McEwen Drive and Carothers Parkway.

Project Number: 4544
Applicant: Seth Sparkman, Barge Cauthen & Associates, Inc.
Staff Recommends: Approval, with conditions
Consent Status: Consent

18. Westhaven PUD Subdivision, final plat, section 40, for 69 attached and detached residential units on 19.85 acres, located along Keats Street and Rathmore Street.

Project Number: 4548
Applicant: Judy Gregg, Wilson and Associates
Staff Recommends: Approval, with conditions
Consent Status: Consent

19. Westhaven PUD Subdivision, final plat, section 41, for 48 detached residential units on 8.76 acres, located along Keats Street and Rathmore Street.

Project Number: 4549
Applicant: Judy Gregg, Wilson and Associates
Staff Recommends: Approval, with conditions
Consent Status: Consent

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

1. CALL TO ORDER

Chair Hathaway called the meeting to order at 7:00 p.m.

2. MINUTES

Vice Chair Lindsey moved to approve the April 24, 2014, Planning Commission minutes as presented, Alderman Petersen seconded the motion, and it passed unanimously (8-0).

3. CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

No one came forward.

4. ANNOUNCEMENTS

Ms. Powers stated that as the City moves closer to technology and gets its Community Services Department website up, staff will look at doing Administrative reviews on a rolling basis rather than once a month as they are presently being done. This will allow staff to review efficiently, get the review completed, and get the developer working. It will also

preclude the applicant from going to post Planning Commission (PC). The plans will have to be correct before they are approved. The approvals will be placed on the City's website in real time. Anyone can look at them. There will be hyperlinks to the plan themselves. Developers will have to register in IDT, and staff will walk them through this. Next month, staff hopes to be able to show everyone the page. Ms. Powers just wanted to let the Planning Commission know that this would be taking place in the next few months.

5. VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

Mr. Andrew Orr, Principal Planner for the City of Franklin, stated that he had an item that was related to the Lockwood Glen, final plat, section 3 renaming. It was related to everything that was approved last month.

Mr. Harrison moved to hear the Lockwood Glen final plat, Ms. Allen seconded the motion, and it passed unanimously (8-0). It would become item 20 on the agenda.

6. CONSENT AGENDA

Chair Hathaway stated that the items under the consent agenda were deemed by the Planning Commission to be non-controversial, routine in nature and would be approved by one motion. He stated that items 8 through 12 and 15 through 19 were on the Consent Agenda and asked if anyone wanted to pull any items.

Alderman Petersen wanted to pull item 15.

Ms. Allen moved to approve Initial Consent Agenda items 8 through 12 and 16 through 19. Ms. McLemore seconded the motion, and it passed unanimously (8-0).

8. BATTLE GROUND ACADEMY SUBDIVISION, SITE PLAN, (FIELDHOUSE AND MARY CAMPBELL VISUAL ARTS CENTER)

Maint agreement: **Landscaping \$17,000**

Established: May 17, 2013

Previous Action: 9/7/10 PA posted
6/17/11 Approved extension to 6/15/12
6/15/12 Reduce from \$67,000; extend to 6/21/13
5/17/13 Release PA, establish MA for \$17,000
7/8/13 MA posted.

Recommendation: Release the maintenance agreement.

Perf agreement: **Drainage \$13,750**

Established: February 25, 2010

Previous Action: 9/7/10 PA posted
6/17/11 Approved extension to 2/17/12
2/17/12 Reduce 75% from \$55,000, extend to 8/17/12
8/17/12 Extend to 2/15/13
2/15/13 Approved extension to 2/21/14
5/17/13 Release denied; extend to 11/8/13; submit as-builts

11/21/13 Release denied; extend to 5/22/14; revise as-builts following completion of punchlist.
Recommendation: Approved extension to November 14, 2014.

9. MCKAYS MILL PUD SUBDIVISION, SITE PLAN, SECTION 34, (PARK RUN AREA)

Perf agreement: **Landscaping \$94,000**

Established: January 27, 2005

Previous Action: 9/26/06 PA posted

9/27/07 Blanket landscaping extension to 10/23/08

10/17/08 Approved extension to 10/16/09

10/16/09 Approved extension to 10/15/10

5/27/10 Reduce from \$125,000; extend to 5/26/11

5/26/11 Approved extension to 5/24/12

5/24/12 Approved extension to 5/23/13

5/23/13 Approved extension to 5/22/14; still under construction

4/24/14 Release denied; extend to 4/23/15

Recommendation: Accept the landscaping improvements, release the performance agreement and establish a maintenance agreement in the amount of \$32,000 for one year.

10. STREAM VALLEY PUD SUBDIVISION, SITE PLAN, SECTION 3

Perf agreement: **Landscaping Phase 1 \$48,000**

Established: June 28, 2007

Previous Action: 7/23/08 PA posted

6/19/09 Approved extension to 6/24/10

6/18/10 Extend to 6/17/11

6/17/11 Extend to 6/15/12

6/28/12 Approved extension to 6/27/13; still under construction

6/27/13 Approved extension to 6/26/14

1/23/14 Split into Phase 1 & Phase 2; this is Phase 1 street trees; new original amount \$63,000; reduce to \$48,000 and extend to 1/22/15.

Recommendation: Accept the landscaping Phase 1 improvements, release the performance agreement and establish a maintenance agreement in the amount of \$16,000 for one year.

Perf agreement: **Landscaping Phase 2 \$95,000**

Established: June 28, 2007

Previous Action: 1/23/14 Split into Phase 1 & Phase 2; this is Phase 2 open space & other; new original amount \$95,000; extend to 1/22/15.

Recommendation: Accept the landscaping Phase 2 improvements, release the performance agreement and establish a maintenance agreement in the amount of \$24,000 for one year.

11. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 18

Perf agreement: **Landscaping \$78,000**

Established: January 26, 2006
Previous Action: 3/12/07 PA posted
4/24/08 Blanket landscaping extension to 5/8/09
5/15/09 Approved extension to 5/21/10
5/27/10 Reduction denied; extend to 5/26/11
5/26/11 Extend to 5/24/12; need as-built for nature trail area.
5/24/12 Approved extension to 5/23/13
5/23/13 Reduce from \$104,000; extend to 5/22/14
Recommendation: Extend to May 15, 2015.

12. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 21, REVISION 1

Perf agreement: **Landscaping \$8,000**
Established: May 22, 2008
Previous Action: 5/25/10 PA posted
5/20/11 Extend to 5/18/12
5/18/12 Approved extension to 5/17/13
5/17/13 Reduction denied; extend to 5/16/14
Recommendation: Extend to May 15, 2015.

16. The Highlands at Ladd Park PUD Subdivision, final plat, section 11, 8 residential lots on 1.45 acres, located along the northern side of Avon River Road, east of Molly Bright Lane.
STAFF RECOMMENDATION: Approval, with conditions

COMMENTS: After obtaining a Letter of Map Revision (LOMR) from FEMA altering the floodplain to exclude the subject property, the applicant requested that the Board of Zoning Appeals (BZA) reinterpret the FFO boundary to remove the subject property from the FFO zone. The BZA reinterpreted the FFO boundary at its May 1, 2014, meeting, effectively removing the subject property from the FFO zone.

SURETIES:

1. Surety amounts shall be determined prior to final staff approval/sign-off of this plat.

PROCEDURAL REQUIREMENTS:

1. In addition to uploading the corrected plat to the online plan review website (<https://franklin.contractorsplanroom.com/secure/>), the applicant shall submit three (3) paper copies and a .pdf file of the corrected plat, along with the Mylar, to the Department of Building and Neighborhood Services (Suite 110, Franklin City Hall). The Certificates of Approval for the Subdivision Name and Street Names, Water System (if not COF Water), Survey, and Ownership shall be signed when the plat is resubmitted. The Mylar shall be submitted to BNS within five (5) business days of the corrected electronic plat being uploaded to the online plan review website (or vice versa) or the item shall be rejected as incomplete for City review. With the resubmittal, each condition of approval/open issue in the online plan review system shall contain a full response from the applicant as to the satisfaction or completion of that condition.
2. The city's project identification number shall be included on all correspondence with any city department relative to this project.

3. The applicant shall upload a .dwg copy of the final plat through the IDT system (link above) in Tennessee state plan coordinates, NAD 83, NAVD 88, zone 4100/5301 for incorporation of the plat into the Franklin GIS database.

***PROJECT CONSIDERATIONS:**

1. None

* These items are not conditions of this approval, but are intended to highlight issues that should be considered in the overall site design or may be required when more detailed plans are submitted for review. These items are not meant to be exhaustive and all City requirements and ordinances must be met with each plan submittal.

CONDITIONS OF APPROVAL:

Engineering

General Comments

1. Sureties

Performance sureties for sewer, sidewalks and drainage is to be determined at Post-PC.

Planning

General Comments

2. Corresponding site plan

Final plat shall not be recorded until corresponding site plan has been fully approved in post-PC.

Water/Sewer

3. Wastewater

Sanitary Sewer easement shall be a minimum of 20'. The sewer line that connects to the 16" sewer shall also have a min of 20 easement. This comment has been added due to this being overlooked in the first review.

17. Ovation Subdivision, final plat, 9 lots on 145.48 acres, located at the southeast corner of East McEwen Drive and Carothers Parkway.

STAFF RECOMMENDATION: Approval, with conditions;

COMMENTS: None;

SURETIES:

1. Surety amounts shall be determined prior to final staff approval/sign-off of this plat.

PROCEDURAL REQUIREMENTS:

1. In addition to uploading the corrected plat to the online plan review website (<https://franklin.contractorsplanroom.com/secure/>), the applicant shall submit three (3) paper copies and a .pdf file of the corrected plat, along with the Mylar, to the Department of Building and Neighborhood Services (Suite 110, Franklin City Hall). The Certificates of Approval for the Subdivision Name and Street Names, Water System (if not COF Water), Survey, and Ownership shall be signed when the plat is resubmitted. The Mylar shall be submitted to BNS within five (5) business days of the corrected

electronic plat being uploaded to the online plan review website (or vice versa) or the item shall be rejected as incomplete for City review. With the resubmittal, each condition of approval/open issue in the online plan review system shall contain a full response from the applicant as to the satisfaction or completion of that condition.

2. The city's project identification number shall be included on all correspondence with any city department relative to this project.
3. The applicant shall upload a .dwg copy of the final plat through the IDT system (link above) in Tennessee state plan coordinates, NAD 83, NAVD 88, zone 4100/5301 for incorporation of the plat into the Franklin GIS database.

***PROJECT CONSIDERATIONS:**

1. None;

* These items are not conditions of this approval, but are intended to highlight issues that should be considered in the overall site design or may be required when more detailed plans are submitted for review. These items are not meant to be exhaustive and all City requirements and ordinances must be met with each plan submittal.

CONDITIONS OF APPROVAL:

Engineering

General Comments

1. Sureties

The sureties for streets, drainage, sidewalks and sewer are to be determined at Post-PC.

Planning

2. Streets

Width of public R.O.W. and access easements provided for private streets shall be shown at the most narrow and widest points along the roadways. This is a response to a previous comment.

3. Unified Site note

The unified site note from the preliminary plat shall also be placed on this final plat. This is a new comment that was not noticed with the initial review. However, this note is significant to the development of the lots, and it is imperative that it be added prior to recording.

4. Old parcel line

Old parcel line shall be noted as to be abandoned with this final plat. This is a new comment based on information that is more clearly shown on the resubmittal.

18. Westhaven PUD Subdivision, final plat, section 40, for 69 attached and detached residential units on 19.85 acres, located along Keats Street and Rathmore Street.

STAFF RECOMMENDATION: Approval, with conditions

COMMENTS: None

SURETIES:

1. Surety amounts shall be determined prior to final staff approval/sign-off of this plat.

PROCEDURAL REQUIREMENTS:

1. In addition to uploading the corrected plat to the online plan review website (<https://franklin.contractorsplanroom.com/secure/>), the applicant shall submit three (3) paper copies and a .pdf file of the corrected plat, along with the Mylar, to the Department of Building and Neighborhood Services (Suite 110, Franklin City Hall). The Certificates of Approval for the Subdivision Name and Street Names, Water System (if not COF Water), Survey, and Ownership shall be signed when the plat is resubmitted. The Mylar shall be submitted to BNS within five (5) business days of the corrected electronic plat being uploaded to the online plan review website (or vice versa) or the item shall be rejected as incomplete for City review. With the resubmittal, each condition of approval/open issue in the online plan review system shall contain a full response from the applicant as to the satisfaction or completion of that condition.
2. The city's project identification number shall be included on all correspondence with any city department relative to this project.
3. The applicant shall upload a .dwg copy of the final plat through the IDT system (link above) in Tennessee state plan coordinates, NAD 83, NAVD 88, zone 4100/5301 for incorporation of the plat into the Franklin GIS database.

*PROJECT CONSIDERATIONS:

1.
 - * These items are not conditions of this approval, but are intended to highlight issues that should be considered in the overall site design or may be required when more detailed plans are submitted for review. These items are not meant to be exhaustive and all City requirements and ordinances must be met with each plan submittal.

CONDITIONS OF APPROVAL:

Performance Agreement and Surety

1. Sureties

Sureties for the following to be determined at Post-PC:

Streets - \$ TBD

Street Access - \$ TBD

Sidewalks - \$ TBD

Drainage - \$ TBD

Sewer - \$ TBD

Water - \$ TBD

19. Westhaven PUD Subdivision, final plat, section 41, for 48 detached residential units on 8.76 acres, located along Keats Street and Rathmore Street.

STAFF RECOMMENDATION: Approval, with conditions

COMMENTS: None

SURETIES:

1. Surety amounts shall be determined prior to final staff approval/sign-off of this plat.

PROCEDURAL REQUIREMENTS:

1. In addition to uploading the corrected plat to the online plan review website (<https://franklin.contractorsplanroom.com/secure/>), the applicant shall submit three (3) paper copies and a .pdf file of the corrected plat, along with the Mylar, to the Department of Building and Neighborhood Services (Suite 110, Franklin City Hall). The Certificates of Approval for the Subdivision Name and Street Names, Water System (if not COF Water), Survey, and Ownership shall be signed when the plat is resubmitted. The Mylar shall be submitted to BNS within five (5) business days of the corrected electronic plat being uploaded to the online plan review website (or vice versa) or the item shall be rejected as incomplete for City review. With the resubmittal, each condition of approval/open issue in the online plan review system shall contain a full response from the applicant as to the satisfaction or completion of that condition.
2. The city's project identification number shall be included on all correspondence with any city department relative to this project.
3. The applicant shall upload a .dwg copy of the final plat through the IDT system (link above) in Tennessee state plan coordinates, NAD 83, NAVD 88, zone 4100/5301 for incorporation of the plat into the Franklin GIS database.

***PROJECT CONSIDERATIONS:**

1.
 - * These items are not conditions of this approval, but are intended to highlight issues that should be considered in the overall site design or may be required when more detailed plans are submitted for review. These items are not meant to be exhaustive and all City requirements and ordinances must be met with each plan submittal.

CONDITIONS OF APPROVAL:

Performance Agreement and Surety

1. Sureties

Sureties for the following to be determined at Post-PC:

Streets - \$ TBD

Street Access - \$ TBD

Sidewalks - \$ TBD

Drainage - \$ TBD

Sewer - \$ TBD

Water - \$ TBD

This completed the consent agenda.

13. ORDINANCE 2014-18, TO BE ENTITLED "AN ORDINANCE TO REZONE 77.7 ACRES FROM GENERAL COMMERCIAL (GC) TO SPECIFIC DEVELOPMENT-VARIETY DISTRICT (SD-X 12.23/480,000/450) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST MCEWEN DRIVE AND CAROTHERS PARKWAY."

Mr. Anthony presented the staff report for Ordinance 2014-18 and stated that staff had determined that the rezoning request was compatible with the Franklin Land Use Plan, specifically as recommended for the McEwen Character Area, Special Area 4. This rezoning will allow a variety of uses including detached and attached residential as well as commercial uses.

Staff recommends that the Planning Commission forward this rezoning request to the Board of Mayor and Aldermen (BOMA) with a favorable recommendation.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked for if there was an applicant.

Mr. Dwight Kiser, of Kiser + Vogrin Design, stated that he would hold his remarks for item 14, the development plan. He requested a favorable recommendation to the BOMA from the Planning Commission.

Ms. McLemore moved to favorably recommend approval of Ordinance 2014-18 to the Board of Mayor and Aldermen, Mr. Harrison seconded the motion, it passed unanimously (8-0)

14. RESOLUTION 2014-42, TO BE ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR THE OVATION SUBDIVISION, LOCATED ON A PORTION OF THE PROPERTY AT THE SOUTHEAST CORNER OF EAST MCEWEN DRIVE AND CAROTHERS PARKWAY, BY THE CITY OF FRANKLIN, TENNESSEE."

Mr. Anthony presented the staff report for Resolution 2014-42 and stated that staff wanted to show their appreciation for the work that the Design Professionals had put into this very large and complex project.

Staff recommends that the Planning Commission forward Resolution 2014-42 request to the (BOMA) with a favorable recommendation.

The applicant is requesting the following three modifications of standards (MOS) with this development plan:

- MOS1 Parking
The applicant is requesting a modification of standards to decrease the minimum parking requirements for one and two bedroom attached residential units from 1.5 spaces per unit to 1.25 spaces per unit for 1-bedroom attached units and from 2.5 spaces per unit to 1.75 spaces per unit (rental) or 2.0 spaces per unit (owned) for 2-bedroom attached units. The BOMA recently approved a reduction to the attached residential parking requirements. Staff does not support reducing the requirements further for property intended solely for residential use. Therefore, staff recommends disapproval of modification of standards 1.
- MOS2 Signage
The applicant has opted not to pursue that modification of standards at this time. The applicant may want to address this at a later date.
- MOS3 Building Length

The applicant is requesting a modification of standards to increase the maximum permitted building length from 200 feet to 776 feet. The urban design intent of this PUD requires a longer building façade for attached residential buildings, as most buildings will span nearly the entire block. With the additional architectural detailing and façade variation that is proposed, the building will have the appearance and feel of multiple building fronts along the street. Staff will carefully review the proposed architecture at site plan stage to ensure that the façade is varied along the street-fronting sides of buildings. Since the modification of this standard is essential to the urban design intent of this PUD and since the facades will be well articulated along the streets, staff recommends approval of this modification of standards.

Chair Hathaway asked for comments from the citizens.

Dr. Ernest Kuhlo, of 1296 Liberty Pike, stated that his property backed up to this property. He was resolute in not wanting a reduction in parking and stated the following: There should be, at least, two parking spaces for every one-bedroom unit. If it is a two-bedroom unit, there should be one additional parking space for each bedroom unit that is added. Nothing destroys the quality of life faster than not having adequate parking. Individuals will start parking on the grass, then there will be all sorts of enforcement problems. The City needs parking spaces, not the minimum.

Chair Hathaway asked for if there was an applicant.

Mr. Dwight Kiser, of Kiser + Vogrin Design, stated that this was a 145 acre Mixed-Use Development known as Ovation. The complexity of this project had created a design team, a consultant team, an ownership team, and these individuals were at tonight's meeting. He had worked with staff very closely over the past two months, and Ms. Hunter had helped tremendously.

Mr. Kiser stated that Mixed-Use Developments with vertical integration area not always as covered, detail-wise, within the City's Zoning Ordinance. At times this had caused the applicant to request a modification of standards, which at the end of the process they realized they did not need to pursue. These were some of the reasons that they started out with five modification requests and were down to only two at this meeting. The two were parking and the building length.

Mr. Kiser agreed with all of the conditions of approval and requested that the Planning Commission forward Resolution 2014-42 to the BOMA with a favorable recommendation. However, he did feel strongly about the modification of standards for parking and stated that he had two consultant team members who would speak to this. This was based on the urban nature of the development, which was being proposed to be built.

Chair Hathaway stated that since there were only two modifications of standards, the applicant could respond to both modifications at the same time.

Mr. Kiser addressed Modification of Standards, number 3, building length, and stated that what they were proposing in some respects was comparable to building a new town. The majority of the buildings would be connected and in some cases much longer than 200 feet. Architecturally, staff could be assured that the buildings would be designed to have articulation, change of materials, and things of this nature. They did not feel this would be an issue and would seek the Planning Commission's guidance at the site plan stage.

Mr. Kiser introduced Mr. David Hanchrow of Bristol Development Group. Bristol will be the developer of the most of the residential.

Mr. David Hanchrow, of Bristol Development Group, stated that they were asking for the Modification of Standards for Parking not because they believed there was a problem with the Zoning Ordinance or that the Ordinance was wrong. However, the Ordinance, as written, does not contemplate the type of projects that the applicants are proposing to build. When it comes to providing adequate parking, no one is as concerned about having enough parking as Bristol Development. Bristol has much experience in developing these urban mid-rise projects, which are geared to specific resident profiles, typically young professionals and empty-nesters. In this case, it is heavier on one-bedroom units, and there are not any three-bedroom units. This project will be 55 percent one-bedroom units. They have found that typically one space per bedroom, plus an additional 5 to 10 percent extra for staff and guests, is more than plenty. This project will have controlled access parking. He stated that this modification was justified, and he requested approval for the Modification of Standards for parking.

Mr. Kiser stated that it was recently revealed to the applicants that they could come back at a later date and request a Modification of Standards or approval of a master signage and graphics plan. At this point, they have not delved into the details of signage and graphics design. They will put together a master signage plan and come back and present it to the Planning Commission at a later date.

Mr. Kiser requested the Planning Commission forward Resolution 2014-42 request to the BOMA with a favorable recommendation.

Mr. Harrison moved to favorably recommend approval of Resolution 2014-42 to the BOMA, and Mr. Franks seconded the motion.

Alderman Petersen stated that, as had already been stated, not that long ago the City of Franklin investigated parking and made some changes to the City's requirements. Much of this was done, based on examining what was occurring in the City at that time. This revision to Ordinance 2013-05 was examined carefully by staff and interested citizens and also by developers, and this definitely goes way beyond the allowances that were approved under the six-month to one-year long study. Alderman Petersen asked about page 15 on the Shared Parking Analysis where it showed the Bristol multi-family parking research. She examined the projects to which this was compared. To take the first one, Bell Mid-town, and look at its location it is two blocks away from St. Thomas Mid-town and three blocks away from West End. She stated that there was not anything like that density in this area. In addition to that, there is much more public transportation in Nashville than available in Franklin or even envisioned at this time. To say

that it has the median demand per unit was less than one vehicle per unit. She did not believe there was anywhere in Franklin where there was less than one vehicle per unit for any multi-family or single family residential. She also looked at the San Rafael in Dallas, and that is in the middle of all sorts of places and one-half mile from the interstate. Indeed this project will be different from what is already in Franklin, but it is not going to come, even close, to the projects that were being used as examples. To say that the median does not even have one vehicle per unit does not express the way that it is true in Franklin. She felt very strongly about this, and wanted to hear a response from the applicant.

Mr. Jon Martens, of Walker Parking Consultants, stated that he had been in parking for about 20 years. The piece to which Alderman Petersen referred was specific to the Bristol Development research. The other research pieces were not based on specific cars that individuals own but on how many vehicles were physically parked. He agreed with Alderman Petersen but stated that people are not always at their residences. He had been involved in doing some of the parking research for Walker where they went out to different types of units. The way it was done was to interview the residential office complex to make sure that it was separate from anything else. They did counts at 2:00 a.m. and at different late night times when they knew this was when the maximum vehicles would be parked and compared that with the actual occupancy of the apartments.

Alderman Petersen asked what kind of communities were used in the study because she remembered reading one of these Walker Parking Consultant's reports a few years ago, and when she asked about the names of the communities, which they used, they were not anything that compared to Franklin. Even if one looked at the communities that were named, those communities were denser and had greater public transportation than the City of Franklin.

Mr. Martens stated that he knew the ones that Walker Parking Consultants had worked on, and certainly the areas, which they looked at did not have transportation because they wanted to get specific types of properties.

Alderman Petersen continued to state that the studies that were done were so different than what was in Franklin.

Mr. Kiser stated that the City of Franklin's parking standards were higher than any other municipality that he had ever worked in.

Mr. Hanchrow stated that this issue was about lifestyle. Ovation would bring an environment to Franklin that would change the way individuals viewed Franklin. Ovation would create an environment that would be a true live, work, play environment that one sees in places like Dallas and Nashville. The residents that live in these environments do not all leave at 8:00 a.m. and come back at 5:00 p.m. Some of these young professionals travel often during the week. So the numbers that are seen that represent less than one vehicle per bedroom are really a reflection of many individuals who live there but are not necessarily home that night. This is about a new lifestyle that Ovation is hoping to capture. By bringing retail, office, and residential together, this is going to be transforming for Franklin in a good way. These residents will be more mobile

and will not get out on the streets as much because by living in a live, work, play environment, one would not need to get into the vehicle as much.

Alderman Petersen stated that this past week she had read an article in The Tennessean. She believed that they did a survey of individuals who are younger and the type of people to whom Mr. Hanchrow referred. The quote from the person was that she had lived in other places where she had used public transportation, and she realized that if she wanted to take a bus to get some place that it would take an hour, and she could get in her vehicle and be there in 10 minutes, so obviously she would take her car. Even though Alderman Petersen believes in Ovation, she stated that it would not just be the individuals who work there and also live there. At the present time, Alderman Petersen stated that she wanted to be assured that the City has enough parking.

Alderman Petersen stated that additional parking was not just for the residents because there are other places in Franklin where there is not enough parking for office. There are reasons why the City has the requirements that it has. Again, just because there will be the environment at Ovation does not mean that the part of Franklin that will be Ovation will become Mid-town Nashville.

Mr. Kiser stated that by obtaining the number of parking spaces and adding another one or two levels of parking deck, Ovation could achieve the minimum code requirement as outlined in the Zoning Ordinance. If the Planning Commission chooses to disapprove the Modification of Standards for parking, there is a provision in the Zoning Ordinance that allows an applicant to pursue a deferred parking plan. Staff has recommended allowing the applicant to do this, and this is what they are prepared to do. The applicant distributed two Residential Site Studies showing where they would apply the deferred parking plan.

Alderman Petersen moved to disapprove MOS1 Parking, and Ms. Allen seconded the motion.

Ms. Allen stated that she first became involved in City politics in 1992 as a BOMA commissioner, and then she was a Planning Commissioner. Every time the Planning Commission has gone against what Ms. Allen has strongly felt, it seems to have been a mistake. She knew that the applicants had done their study, but Franklin is a different city. She just wanted to be on the record as to why she could not support MOS1 Parking.

Mr. Franks stated that the fact that this project had controlled access, was only limited to the owners, and the vast size of the one-bedroom units, made him feel that it was unlikely the applicants would under-size the amount of parking in a structured, controlled access parking structure. Because the City is urban at this location and the fact that it is one particular section of property, the consideration there was important, and he was in favor of MOS1 Parking.

With the motion to disapprove MOS1 Parking having been made and seconded, it passed five to three (5-3) with Ms. Gregory, and Messrs. Harrison and Franks voting no.

Mr. Harrison moved to approve MOS3 Building Length, Ms. McLemore seconded the motion, and it passed unanimously (8-0).

Mr. Anthony stated that staff would like the opportunity to work with the applicant on a deferred parking plan if that would be in agreement with the Planning Commission. He requested to add the following condition into the staff report, "Applicant shall provide a deferred parking plan to meet the minimum parking requirements set forth in the Zoning Ordinance."

Vice Chair Lindsey moved to add the condition, "Applicant shall provide a deferred parking plan to meet the minimum parking requirements set forth in the Zoning Ordinance." Ms. McLemore seconded the motion, and it passed unanimously (8-0).

Alderman Petersen stated that she would like for the above condition to be brought back before the Planning Commission to be approved. She liked the idea of the deferred parking, but she wanted the Planning Commission to approve it.

Mr. Kiser asked if it would be acceptable to present this on the site submittal process as part of the approval.

Mr. Anthony stated that would be fine, or if the applicants would like they could take a few minutes out of a Joint Conceptual Workshop to discuss. This was fine with the applicants.

With the main motion to favorably recommend approval of Resolution 2014-42 to the Board of Mayor and Aldermen having been made and seconded, it passed unanimously (8-0) with the following:

CONDITIONS OF APPROVAL:

BNS

General Comments

1. Signage

The applicant shall submit a signage sheet that lists the approved signage modifications and shows where they will apply within the subdivision, specifically outlining what is allowed in the PUD limits and what is allowed in the GC-zoned section. The applicant shall also include typical character images of signs planned for this development, including those that meet the zoning requirements and those for which modifications have been granted.

Parks

General Comments

2. Parkland Dedication

Since the proposed land dedication for public trails (19.23 ac) exceeds the minimum required amount of acreage needed for parkland dedication (13.57 ac), the modification of standards request for parkland dedication shown on the development plan is not necessary. Applicant shall continue to include Sheet L.4 in the development plan set to document the proposal for dedication and construction of the trail system.

Additionally, a Public Property Landscape Maintenance Agreement shall be created and completed prior to issuance of building permits for any proposed residential units. The maintenance agreement shall be between the City and the development. Staff has already begun drafting the agreement and will work with the applicant to formalize it. Any notes shown on

the development plan regarding maintenance of the dedicated trail area shall be coordinated with this agreement.

Planning

3. Site Data Chart

Applicant shall coordinate the gross density numbers shown in the site data chart and the project density table. Gross density should be listed as 12.23. This is a new comment based on newly provided information.

4. Site Data Chart

In the site data chart, applicant shall break provided parking down by nonresidential and residential since the modification of standards is only for the residential.

5. Parking

In the site data chart, applicant shall list the numbers for provided parking in each block (to match the parking study) by the following: structured, surface, and on-street.

6. Retaining Walls

There are retaining walls identified on the development plan that exceed 10' for a single wall and that exceed a maximum grade change of 16', as permitted in the Z.O. for mixed-use and nonresidential development. Applicant shall update the development plan to comply with these requirements.

If a proposed wall is a foundation or stem wall that is part of a building wall, it shall be noted as such, rather than as a, typically free-standing, retaining wall.

7. Extra building?

Does building C4 bridge the access on upper floors? If so, applicant shall show a hatched building footprint for that area.

8. Lot lines

Proposed lot lines for detached residential units shall be shown. If a horizontal property regime is to be implemented, this shall instead be noted on the development plan.

9. Parking MOS

If the modification of standards as requested is not approved, the applicant shall (A) update the parking to provide the minimum required parking for both the residential units and the nonresidential square footage, or the applicant shall (B) update the parking to provide a shared parking study for Blocks 1-3 (as depicted in the existing parking study) and to meet the minimum parking requirement for Blocks 4-5 (as depicted in the existing parking study). Shared parking arrangements can be administratively approved during the Post-PC process, where mixed-use development is proposed. Blocks 1-3 include an integrated mix of uses, and can, therefore, utilize a shared parking scheme.

With either option, the applicant may designate some of the provided parking as deferred until warranted.

Planning (Landscape)

General Comments

10. Green Infrastructure

Add this note to the plans for future consideration when needed.

“Although the grass channels and vegetated filter strips are not currently shown, we would like to reserve the ability to specify those BMP’s should future programming allow their usage.”

Condition Related to Deferred Parking

11. Applicant shall provide a deferred parking plan to meet the minimum parking requirements set forth in the Zoning Ordinance.

15. Franklin Christian Academy PUD Subdivision, site plan, section 2 (Morning Pointe of Franklin), 2 civic/institutional structures on 12.00 acres, located along the northern side of New Highway 96 West, approximately 850 feet west of Carlisle Lane.

Mr. Anthony presented the staff report for item 15 and stated that staff recommended approval with the conditions of approval set forth in the staff report.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked for if there was an applicant.

Mr. Alan Thompson, of Ragan Smith Associates, stated that they had worked diligently with staff, agreed with the Conditions of Approval, and requested approval of item 15.

Mr. Harrison moved to favorably recommend approval of item 15, and Ms. McLemore seconded the motion.

Alderman Petersen stated that she had pulled item 15 and stated that originally this was to be the school with a church in front of it. After reviewing the Zoning Ordinance and seeing that Assisted Living is allowed in Civic Institutional, she realized as with many things in the 2008 Zoning Ordinance, that she sometimes gets unpleasant surprises. Even though this is allowed, and she would vote in favor of it, she felt very strongly that there was a difference between a church being out on 96 west and Assisted Living or any kind of place where individuals stay overnight. To her Civic Institutional meant something such as City Hall or a school. She would hope that staff would look at some of these allowed uses in this particular zone.

With the motion having been made and seconded to favorably recommend approval of item 15, it passed and with the following:

CONDITIONS OF APPROVAL:

Performance Agreement and Surety

General Comments

1. Landscape

Landscape surety shall be determined at Post PC - TBD \$

2. Sureties

Sureties for the following to be determined at Post-PC:

Streets - \$ TBD

Street Access - \$ TBD

Sidewalks - \$ TBD

Drainage - \$ TBD

Sewer - \$ TBD

Water - \$ TBD

Offsite Water (Section 1) - \$ TBD

Engineering

Detention and Water Quality Report.pdf

3. Water Quality

Previous comment not fully addressed. The applicant shall add this information directly to the water quality report: Required vs provided treatment volume and surface area.

Fire

General Comments

4. Access

Autoturn does not show turning movement around the SW corner of the Assisted Living Facility utilizing the proposed grass pavers/reinforced sidewalk. Applicant shall demonstrate a complete turn as done in other areas of the plan (sheet A.T.).

5. Fire Sprinkler System

Applicant did not address the comment satisfactorily. Remote FDC locations are not permitted. The FDC shall be located in an accessible location on the building face in accordance with the IFC and fire department requirements.

6. Fire Sprinkler System

FDC is in a remote location and is not permissible. Applicant shall correct at post-PC.

7. Landscaping

FDC location cannot be accepted. Applicant shall correct at post-PC.

Parks

General Comments

8. Greenway Trail

The City has approved the calculations for the greenway fees in lieu. An invoice will be sent to the applicant for payment due at the final plat stage.

Planning

General Comments

9. Bicycle Parking

Applicant shall provide bicycle rack detail.

10. Parking requirements

Applicant shall correctly label all sidewalk widths.

11. Addressing

Applicant shall work with staff to name access drive and address all structures from the access drive.

Planning (Landscape)

General Comments

12. Tree Protection

The tree protection fences, details and notes shall be shown on all Grading and Drainage sheets.

13. Tree dripline

A note regarding protection of the bowdock tree in the tree row near the drainage area on the north shall be added to all Grading and Drainage sheets.

14. Plant Diversity

Landscape diversity chart shall be provided per the COF Administrative Manual.

Franklin Christian Academy PUD Subdivision, site plan, section 2 (Morning Pointe of Franklin) –

15. Formal Open Space.

Discussion was had with Scotty Bernick regarding the location, design and trail in the Formal Open Space area. It was agreed that before Post PC submittal that the design of this areas shall be worked out with the applicant and the COF Land Planner.

Stormwater

General Comments

16. Water Quality

A soil infiltration test report is required to ensure contractor uses appropriate material mixtures during installation. Provide this as a note on c7.1, c5.0, and c4.0.

17. Water Quality

As discussed with Mr. Bernick on 5/5/14 the number of individuals in the bioretention areas will be reduced by 10-15%. The diversity of species shall be increased by approximately 25%. This size of bioretention needs more species in case other do not do as well.

Species should include a proportional mixture of grasses, shrubs, and forbs. Small trees shall also be placed randomly throughout the area as well. Include *Asclepiads syriaca*-Common milkweed as one of the forb species. *Assimina triloba* as one of the small trees. Consider removing *Amelanchier canadensis*.

18. Long Term Maintenance Plan

Include the following for Bioretention Areas in the LTMP.

As needed

-Pruning and weeding to maintain appearance.

Semi-annually

- Mulch replacement when erosion is evident.
- Remove trash and debris.
- Inspect inflow points for clogging (off-line systems). Remove any sediment.

Annually

- Inspect filter strip/grass channel for erosion or gully.
- Re-seed or sod as necessary.
- Trees and shrubs should be inspected to evaluate their health and remove any dead or severely diseased vegetation.
- The planting soils should be tested for pH to establish acidic levels. If the pH is below 5.2, limestone should be applied. If the pH is above 7.0 to 8.0, then iron sulfate plus sulfur can be added to reduce the pH.

2-3 years

- Replace mulch over the entire area.
- Replace pea gravel diaphragm if warranted.

19. Long Term Maintenance Plan

Provide long term maintenance agreement with the LTMP. This can be found at:
<http://www.franklinton.gov/Modules/ShowDocument.aspx?documentid=17579>

20. Long Term Maintenance Plan

Include note that the inspection report for all onsite BMP's shall be submitted to the City by July 1st of each year.

21. Long Term Maintenance Plan

Include an example inspection report in LTMP for property owner to follow.

Zoning

22. Color Elevations

Provide a color and material sample board for all proposed exterior materials.

23. Retaining Wall

The proposed retaining wall is required to match the materials used in the building. Revise plans / details to show how the wall will be faced to meet the material requirement.

24. Dumpsters

Provide construction details of the required dumpster screen and the attached storage building.

25. HVAC

HVAC units are required to be screened architecturally or with evergreen shrubs. The screen is required to be of a height to totally block the view of the object being screened. Show the location of the units and the screening on the site plan. Provide construction details of the proposed screening.

26. Architecture

Make revisions in the southern and western building facades visible from Highway 96 and the future Mac Hatcher to orient the building vertically instead of the horizontal orientation shown. The addition of a vertical element and a change in the windows could suffice to achieve the vertical orientation.

**20. Lockwood Glen Nichols Bend PUD Subdivision, Final Plat,
Section 3**

Mr. Orr stated that item 20 was to correct a clerical error that was re-approved by the Planning Commission at the April 24, 2014, Planning Commission meeting. The Lockwood Glen name was left off of the staff report, and this would correct that error.

Ms. Allen moved to approve item 20, Mr. Orr seconded the motion, and it passed with the following:

CONDITIONS OF APPROVAL:

Planning

General Comments

1. Project number

Please use Project Number 4527 on future correspondence and also state the former project number in parenthesis.

2. Sureties

All remaining, previously established sureties for Nichols Bend Final Plat Section 3, Project #2920 shall carryover to this new final plat, and shall be posted prior to release of the currently established sureties.

There being no further business, the meeting adjourned at 7:57 p.m.

Chair, Mike Hathaway